

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -  
2008**

**COMMITTEE STATEMENT**

**LB926**

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**Hearing Date:** February 04, 2008

**Committee On:** Business and Labor

**Introducer(s):** (Lathrop)

**Title:** Prohibit mandatory overtime for certain state employees

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**Roll Call Vote - Final Committee Action:**

Placed on General File

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**Vote Results:**

6 Yes	Senators Cornett, Lathrop, McGill, Rogert, Wallman, White
0 No	
1 Absent	Senators Chambers
0 Present, not voting	

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**Proponents:**

Ted Buri  
Judi Terrill  
Dottie Meyers  
Mike Marvin  
Ken Mass

**Representing:**

NAPEAFSME  
NAPE  
NAPE  
NAPE  
Nebraska State AFLCIO

**Opponents:**  
John Wyvill  
Robert Houston

**Representing:**  
Department of Health and Human Services  
Nebraska Department of Correction Services

**Neutral:**  
Polidoros Pserros

**Representing:**  
Self

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**Summary of purpose and/or change:**

LB 926 would prohibit the State from requiring mandatory overtime of employees who are providing services in 24 hour care facilities unless there was an unforeseen, emergency situation such as an act of terrorism, a disease outbreak, an adverse weather condition or a natural disaster.

Employees would not be required to work for more than 12 consecutive hours unless there is an unforeseen emergent situation.

Under no circumstances would an employee be required to work 7 days in row without a day off.

The bill would prohibit the state and it's agencies from taking disciplinary or retaliatory action against a state employee who refuses to work overtime.

Section by Section Analysis:

Section 1: Citizens under the 24 hour care of the State of Nebraska need qualified care from trained individuals. Such care is jeopardized when employees are required to work unusually long hours, and the state should provide adequate staffing without the use of mandatory overtime.

Section 2: State employees providing 24 hour care shall not be disciplined in any manner for refusing to work more than 12 consecutive hours unless there is an unforeseen emergent situation. Under no circumstance shall an employee be required to work 7 days in a row without a day off. Acceptance of overtime is voluntary and the refusal to work overtime is not grounds for discrimination, dismissal, discharge, or any other form of penalty.

Section 3: Definitional section. "unforeseen emergent situation" means an unusual, unpredictable or unforeseen circumstance including: an act of terrorism, a disease outbreak, an adverse weather condition, or a natural disaster.

An emergent situation *does not* include situations in which the facility has reasonable knowledge of increased patient volume or decreased staffing, including scheduled vacations and scheduled medical leave of employees.

**Explanation of amendments, if any:**

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Senator Abbie Cornett, Chairperson